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09/893,002	06/28/2001	Norihiko Fuchigami	0102/0166	6404

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/893,002

Applicant(s)

FUCHIGAMI, NORIHIKO

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/08/02</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5 and 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 –5 and 8-13 direct to information on a recording disc. Since the information resided on the disc do not provide any functional interrelationship to the disc to control the disc or to access information, or impart to any software and hardware structural components to provide certain function that is processed by a computer, the information on the disc do not make them statutory. See MPEP 2100.

Claims 8-13 called for a method and an apparatus however, it is noted that there is no positive step or operative means or circuits recited in the body of claims to perform any function and claims merely present non-functional information, claims 8-13 and considered as being directed to non- function information resided on the medium.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3-8 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (6,766,103).

Regarding claims 1, 6- 8 and 13 , Kim discloses an audio data recording disc storing audio data, and recording and reproducing management data for the audio data, the recording and reproducing management data including original management data ( original program chain data) and user defined management data ( user defined program chain data ), the original management data being for enabling the audio data to be reproduced in an order equal to an order in which the audio data have been recorded, the user defined management data including cell information pieces related to respective cells, the cells corresponding to a reproduction unit and being related to the audio data, the user defined management data representing a user defined track which includes at least one of the cells and which is decided in response to the cell information pieces according to user's instruction, the user defined track designating portions of the audio data which correspond to the at least one cell in the user defined track, the user defined track representing a reproduction order decided by user's instruction, the user defined management data being for enabling the portions of the audio data which are designated by the user defined track to be reproduced in an order equal to the reproduction order represented by the user defined track (Figs. 4 and 5, columns 3 and 4).

Regarding claim 6, Kim further teaches an apparatus (Fig. 1) for reproducing information from an audio data recording disc in one of claims 1-5 (Figs. 4,5 , columns 3 – 4) comprising:

a memory (7)(column 4, lines 50-65);

first means for reading user defined management data from the audio data recording disc (column 5);

second means for deriving a relation between a user defined track and cells from the user defined management data read by the first means, and generating a signal representing the derived relation (column 5);

third means for loading the memory with the relation representing signal generated by the second means; and

fourth means for reproducing at least a portion of audio data, text data, and still-picture data which corresponds to the user defined track from the audio data recording disc in response to the relation-representing signal in the memory (column 4, line 52, to column 6, line 20).

Method claim 7 corresponds to apparatus claim 6. Therefore method claim 7 is rejected by the same reason as applied to apparatus claim 6.

Regarding claims 3 and 10, Kim teaches the audio data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, the cell information pieces further include cell-type data pieces representing whether or not each of the cells is a first cell in the user defined track, the user defined track starts from the first cell represented by one of the

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cell-type data pieces, and the attached information pieces are stored in the first cell represented by the one of the cell-type data pieces (columns 3-4, Figs. 4,5).

Regarding claims 4 and 11, Ando teaches the audio data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, and the attached information pieces represent whether or not each of the cells is a first cell in the user defined track (columns 3-4, Figs. 4,5).

Regarding claims 5 and 12, Ando further teaches the data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, and the attached information pieces occupy a first place in a cell-attached information piece set (columns 3-4, Figs. 4,5).

5. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al ( 6,658,200).

Regarding claims 1, 8 and 13, Ando discloses an audio data recording disc storing audio data, and recording and reproducing management data for the audio data, the recording and reproducing management data including original management data ( original program chain data) and user defined management data ( user defined program chain data ) (column 14, lines 47-68), the original management data being for enabling the audio data to be reproduced in an order equal to an order in which the audio data have been recorded, the user defined management data including cell

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information pieces related to respective cells, the cells corresponding to a reproduction unit and being related to the audio data, the user defined management data representing a user defined track which includes at least one of the cells and which is decided in response to the cell information pieces according to user's instruction (Fig. 1, column 15, lines 15-55), the user defined track designating portions of the audio data which correspond to the at least one cell in the user defined track, the user defined track representing a reproduction order decided by user's instruction, the user defined management data being for enabling the portions of the audio data which are designated by the user defined track to be reproduced in an order equal to the reproduction order represented by the user defined track (Fig. 1, 4, columns 14-18).

Regarding claim 6, Ando further teaches an apparatus (Fig. 4) for reproducing information from an audio data recording disc in one of claims 1-5 (Figs. 4,5, columns 3 – 4) comprising:

- a memory (404);

- first means for reading user defined management data from the audio data recording disc;

- second means for deriving a relation between a user defined track and cells from the user defined management data read by the first means, and generating a signal representing the derived relation;

- third means for loading the memory with the relation representing signal generated by the second means; and

fourth means for reproducing at least a portion of audio data, text data, and still-picture data which corresponds to the user defined track from the audio data recording disc in response to the relation-representing signal in the memory (column 18, lines 22-68).

Method claim 7 corresponds to apparatus claim 6. Therefore method claim 7 is rejected by the same reason as applied to apparatus claim 6.

Regarding claims 2 and 9, Ando further teaches the audio data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, and the attached information pieces include 1) a data piece representing primary text information PRM TXTI related to the user defined track, 2) a data piece representing a search pointer number IT\_TXT\_SRPN for item text information related to the user defined track, and 3) a data piece indicating representative still-picture information REP PICTI 5 for designating a position of a still picture representative of the user defined track (column 13, lines 25-65, column 15, lines 45-65, column 18, lines 37-45, column 8 lines 57-68).

Regarding claims 3 and 10, Ando teaches the audio data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, the cell information pieces further include cell-type data pieces representing whether or not each of the cells is a first cell in the user defined track, the user defined track starts from the first cell represented by one of the cell-type data pieces, and the attached information pieces are stored in the first cell represented by the one of the cell-type data pieces (Fig. 1, columns 15-17).



Regarding claims 4 and 11, Ando teaches the audio data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, and the attached information pieces represent whether or not each of the cells is a first cell in the user defined track (Fig. 1 columns 15-17).

Regarding claims 5 and 12, Ando further teaches the data recording disc as recited in claim 1, wherein the cell information pieces include attached information pieces related to the user defined track, and the attached information pieces occupy a first place in a cell-attached information piece set (Fig. 1, columns 15-17).

6. Claims 1, 6-8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (6,266,483).

Regarding claims 1, 8 and 13, Okada discloses an audio data recording disc (Figs 1, 9, 17) storing audio data, and recording and reproducing management data for the audio data, the recording and reproducing management data including original management data (original program chain data 50) and user defined management data (user defined program chain data 70), the original management data being for enabling the audio data to be reproduced in an order equal to an order in which the audio data have been recorded, the user defined management data including cell information pieces related to respective cells, the cells corresponding to a reproduction unit and being related to the audio data, the user defined management data representing a user defined track which includes at least one of the cells and which is

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decided in response to the cell information pieces according to user's instruction (column 9, lines 35 to column 10, line 15), the user defined track designating portions of the audio data which correspond to the at least one cell in the user defined track, the user defined track representing a reproduction order decided by user's instruction, the user defined management data being for enabling the portions of the audio data which are designated by the user defined track to be reproduced in an order equal to the reproduction order represented by the user defined track (column 14, line 35 to column 15, line 5).

Regarding claim 6, Okada further teaches an apparatus (Fig. 1) for reproducing information from an audio data recording disc in one of claims 1-5 (column 18-19).

comprising:

a memory (10) ;

first means for reading user defined management data from the audio data recording disc;

second means for deriving a relation between a user defined track and cells from the user defined management data read by the first means, and generating a signal representing the derived relation;

third means for loading the memory with the relation representing signal generated by the second means; and

fourth means for reproducing at least a portion of audio data, text data, and still-picture data which corresponds to the user defined track from the audio data recording

disc in response to the relation-representing signal in the memory (column 18, lines 22-68).

Method claim 7 corresponds to apparatus claim 6. Therefore method claim 7 is rejected by the same reason as applied to apparatus claim 6.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sawabe and Hirota et al disclose apparatus for recording and reproducing audio objects .

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HUY NGUYEN  
PRIMARY EXAMINER